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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 ABDULLAH MUJAHID FKA JACK LECK,

12 Plaintiff,

13 v.

14 KATHY HARRIS *et al.*,

15 Defendants.
16

CASE NO. C09-5601 FDB/JRC

ORDER TO FILE AN AMENDED
COMPLAINT AND PROVIDE
SERVICE DOCUMENTS

17 This 42 U.S.C. § 1983 action has been referred to the undersigned Magistrate Judge
18 pursuant to 28 U.S.C. §§ 636 (b) (1) (A) and 636 (b) (1) (B) and Local Magistrates Judges' Rules
19 MJR 1, MJR 3, and MJR 4. Plaintiff has been granted leave to proceed *in forma pauperis*.
20 Plaintiff seeks monetary damages a result of alleged denials of his religious rights. The
21 complaint is deficient for a number of reasons.
22


23 In order to state a claim under 42 U.S.C. § 1983, a complaint must allege that (1) the
24 conduct complained of was committed by a person acting under color of state law and that (2)
25 the conduct deprived a person of a right, privilege, or immunity secured by the Constitution or
26 laws of the United States. Parratt v. Taylor, 451 U.S. 527, 535 (1981), *overruled on other*

1 grounds, Daniels v. Williams, 474 U.S. 327 (1986). Section 1983 is the appropriate avenue to
2 remedy an alleged wrong only if both of these elements are present. Haygood v. Younger, 769
3 F.2d 1350, 1354 (9th Cir. 1985), cert. denied, 478 U.S. 1020 (1986). In addition, plaintiff must
4 allege facts showing how individually named defendants caused or personally participated in
5 causing the harm alleged in the complaint. Arnold v. IBM, 637 F.2d 1350, 1355 (9th Cir. 1981).
6 A defendant cannot be held liable under 42 U.S.C. § 1983 solely on the basis of supervisory
7 responsibility or position. Monell v. New York City Dept. of Social Services, 436 U.S. 658, 694
8 n.58 (1978). A theory of *respondeat superior* is not sufficient to state a § 1983 claim. Padway
9 v. Palches, 665 F.2d 965 (9th Cir. 1982). The complaint in this action does not set forth any
10 facts showing what actions were taken by which defendants.
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12 Plaintiff is ordered to file an amended complaint. The document should be titled “first
13 amended complaint.” The first amended complaint will act as a complete substitute for the
14 original and not as a supplement. For each named defendant plaintiff should submit a service
15 copy of the complaint and a filled out Marshal’s service form. The amended complaint will be
16 due on or before December 11, 2009. Failure to comply with this order may result in a Report
17 and Recommendation that this action be dismissed.
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19 The clerk’s office is directed to send plaintiff a copy of this order and note the December
20 11, 2009, date on the court’s calendar.
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22 DATED this 3rd day of November, 2009.

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25 J. Richard Creatura
26 United States Magistrate Judge